IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3288 OF 2004

Panduran Mohan Barde .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.Mahesh B.Pahane for the applicant.
Mr.K.V.Saste APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2ND SEPTEMBER, 2004

P.C.:

. Heard Mr.Pahane, learned counsel for the applicant and Mr.Saste, learned A.P.P. for the respondent.

2. The Sessions Court while rejecting the bail application filed by the applicant after filing of the charge-sheet refused to enter into merits of the case holding that filing of the charge-sheet is not a substantial change of circumstance and, therefore, the order rejecting bail application before the charge-sheet cannot be reviewed. However, in view of the judgment of this court dated 15.7.2004 rendered in the case of Laxman Irappa Hatti and Anr. Vs. The State of

Maharashtra in Criminal Application No.2816 of 2004. Mr.Pahane, learned counsel for the applicant prayed for withdrawal of this application with liberty to the applicant to approach the Sessions Court seeking bail afresh. In the case of Laxman Irappa Hatti this court has taken a view that filing of the charge-sheet is a substantial change of circumstance and, therefore, the Sessions Court is obliged to consider merits of the case afresh by allowing the applicant or his advocate to argue an application for bail on the basis of documents supplied with the charge-sheet. In the circumstances the application is allowed to be withdrawn with liberty as prayed for. If such application is filed same may be considered on merits in accordance with law.

. The application is disposed of.

(D.B.Bhosale, J.)